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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,496	12/27/2000	Manjunath Jagannatharao	81862.P237	9495

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EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,496

Applicant(s)

JAGANNATHARAO ET AL

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 3, is attached to the instant Office action.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1–56 are rejected under 35 U.S.C. 102(e) as being anticipated by Anesko et al. (US Patent 6,717,960).

In regarding to claim 1, 15, 29 and 43, Anesko teaches processing at least one control unit to retrieve communication information related to data received along at least one communication link in a network (Column 4 Line 31–49); storing said at least one control unit in at least one buffer (Column 4 Line 36–37); and processing said at least one control unit to retrieve link information related to said at least one communication link (Column 4 Line 50–66).

In regarding to claim 2, 16, 30 and 44, Anesko teaches receiving said at least one control unit after each frame of a plurality of frames of said data received along said at least one communication link (Column 3 Line 60–62).

In regarding to claim 3, 17, 31 and 45, Anesko teaches said at least one control unit is a control protocol cell (Column 1 Line 62–63).

In regarding to claim 4, 18, 32 and 46, Anesko teaches said processing to retrieve said communication information further comprises: retrieving frame information related to said each frame of said plurality of frames of said data; retrieving delay information related to said at least one communication link; and creating a delay profile in said at least one buffer using said delay information (Column 4 Line 31–49).

In regarding to claim 5, 19, 33 and 47, Anesko teaches said each frame further comprises a predetermined number of data units (Column 3 Line 63 – Column 4 Line 6).

In regarding to claim 6, 20, 34 and 48, Anesko teaches each data unit of said predetermined number of data units is a data cell (Column 3 Line 63 – Column 4 Line 6).

In regarding to claim 7, 21, 35 and 49, Anesko teaches said buffer is a delay compensated buffer (Column 2 Line 32).

In regarding to claim 8, 22, 36 and 50, Anesko teaches said processing to retrieve said link information further comprises: retrieving said link information after a predetermined period of time determined in a delay profile of said buffer (Column 3 Line 60–62).

In regarding to claim 9, 23, 37 and 51, Anesko teaches said processing to retrieve said link information further comprises: retrieving said link information after a predetermined period of time determined in said delay profile of said buffer (Column 3 Line 60–62).

In regarding to claim 10, 24, 38 and 52, Anesko teaches said link information further comprises information related to deletion of said at least one communication link (Column 4 Line 50–66).

In regarding to claim 11, 25, 39 and 53, Anesko teaches said network is an Asynchronous Transfer Mode (ATM) communication network (Figure 1).

In regarding to claim 12, 26, 40 and 54, Anesko teaches said at least one communication link is a T1 communication link (Column 3 Line 53–54).

In regarding to claim 13, 27, 41 and 55, Anesko teaches said at least one communication link is an E1 communication link (Column 3 Line 53–54).

In regarding to claim 14, 28, 42 and 56, Anesko teaches said network enables communication according to an Inverse Multiplexing Asynchronous Transfer Mode (IMA) communication protocol (Figure 1).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the control cell in general.

U.S. Patent 6,205,142 to Vallee

U.S. Patent 6,002,670 to Rahman et al.

U.S. Patent 6,222,858 to Counterman

U.S. Patent 6,621,794 to Heikkinen et al.

U.S. Patent 6,678,275 to DeGrandpre et al.

U.S. Patent 6,680,954 to Cam et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone

number for the organization where this application or proceeding is assigned is  
703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*C.H.*  
Clemence Han  
Examiner  
Art Unit 2665



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
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